

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 RICHARD POWELL,

4 Plaintiff

Case No.: 3:20-CV-00188-RCJ-WGC

ORDER

5 v.

6 WASHOE COUNTY DETENTION
7 FACILITY, *et al.*,

8 Defendants

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10 This action began with a *pro se* civil rights complaint filed pursuant to 42 U.S.C. §
11 1983 by Plaintiff who was incarcerated in the custody of Washoe County Detention
12 Center (WCDC). On May 11, 2021, the Court issued an order dismissing the complaint
13 with leave to amend and directed Plaintiff to file an amended complaint within 30 days.
14 (ECF No. 16). The 30-day period has now expired, and Plaintiff has not filed an
15 amended complaint or otherwise responded to the Court's order. District courts have
16 the inherent power to control their dockets and "[i]n the exercise of that power, they may
17 impose sanctions including, where appropriate . . . dismissal" of a case. *Thompson v.*
18 *Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may
19 dismiss an action, with prejudice, based on a party's failure to prosecute an action,
20 failure to obey a court order, or failure to comply with local rules. *See Ghazali v. Moran*,
21 46 F.3d 52, 53-54 (9th Cir. 1995) (affirming dismissal for noncompliance with local rule);
22 *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (affirming dismissal for
23 failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856
24 F.2d 1439, 1440-41 (9th Cir. 1988) (affirming dismissal for failure to comply with local
25 rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal*
26 *Service*, 833 F.2d 128, 130 (9th Cir. 1987) (affirming dismissal for failure to comply with
27 court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (affirming
28 dismissal for lack of prosecution and failure to comply with local rules).

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1 In determining whether to dismiss an action for lack of prosecution, failure to
2 obey a court order, or failure to comply with local rules, the court must consider several
3 factors: (1) the public's interest in expeditious resolution of litigation; (2) the court's need
4 to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy
5 favoring disposition of cases on their merits; and (5) the availability of less drastic
6 alternatives. See *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423-24;
7 *Malone*, 833 F.2d at 130; *Ferdik*, 963 F.2d at 1260-61; *Ghazali*, 46 F.3d at 53.

8 Here, the Court finds that the first two factors, the public's interest in
9 expeditiously resolving this litigation and the Court's interest in managing the docket,
10 weigh in favor of dismissal. The third factor, risk of prejudice to Defendants, also
11 weighs in favor of dismissal, since a presumption of injury arises from the occurrence of
12 unreasonable delay in filing a pleading ordered by the court or prosecuting an action.
13 See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor—public
14 policy favoring disposition of cases on their merits—is greatly outweighed by the factors
15 in favor of dismissal discussed herein. Finally, a court's warning to a party that his
16 failure to obey the court's order will result in dismissal satisfies the "consideration of
17 alternatives" requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33;
18 *Henderson*, 779 F.2d at 1424. The Court's order requiring Plaintiff to file an amended
19 complaint within 30 days expressly stated: "THE COURT FURTHER ORDERS that, if
20 Plaintiff does not file an amended complaint curing the deficiencies outlined in this
21 order, this action will be dismissed with prejudice for failure to state a claim without
22 further notice." (ECF No. 16). Thus, Plaintiff had adequate warning that dismissal
23 would result from his noncompliance with the Court's order to file an amended
24 complaint within 30 days.

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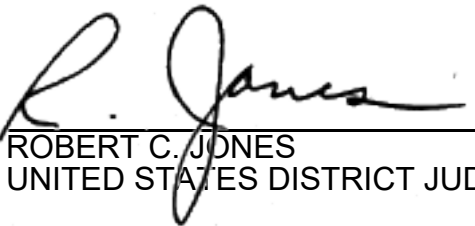
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1 **IT IS THEREFORE ORDERED** that this action is **DISMISSED WITH**
2 **PREJUDICE.**

3 **IT IS FURTHER ORDERED** that the Clerk of Court will enter judgment
4 accordingly and close this case.

5 **IT IS SO ORDERED.**

6 DATED this 25th day of June, 2021.

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10 ROBERT C. JONES
11 UNITED STATES DISTRICT JUDGE
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